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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,903	10/01/2003	Vanita Mani	123860/YOD GERD:0040	8076
<div>7590 11/15/2007</div> <div>Patrick S. Yoder Fletcher Yoder P.O. Box 692289 Houston, TX 77269-2289</div> <div>EXAMINER PATEL, RITA RAMESH</div> <div>ART UNIT PAPER NUMBER</div> <div>1792</div> <div>MAIL DATE DELIVERY MODE</div> <div>11/15/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,903	MANI ET AL.	
	Examiner	Art Unit	
	Rita R. Patel	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-27,29-33 and 70-85 is/are pending in the application.
- 4a) Of the above claim(s) 16-27,29-33 and 80-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-15 and 70-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 8/30/07. Claims 1, 3-9, 11-27, 29-33, and 70-85 are pending. Claims 16-27, 29-33, and 80-85 have been withdrawn from further consideration as being drawn to a non-elected invention. Claims 2, 10, 28, and 34-69 have been canceled.

Applicant's arguments have been fully considered and are persuasive, thus the former 35 USC 102 and 35 USC 103 rejections have been overcome. More specifically, the Examiner has been persuaded by Applicant's arguments that the former rejection failed to teach cleaning laundry in a cleaning fluid; the former reference merely taught drying and the Examiner agrees that drying alone does not sufficiently read on Applicant's claims for cleaning. However, upon further consideration, the instant claims are rejected under new grounds of rejections and thus, claims 1, 3-9, 11-15, and 70-79 are rejected for the reasons of record.

Applicant's Remarks filed 8/30/07 are drawn to the former rejection and are now considered moot because of a new grounds of rejection taught herein.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-9, 11, 14, and 70-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Hallman et al. herein referred to as "Hallman" (Pub. No. US 2003/0196277 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Hallman teaches an article cleaning apparatus 1000 comprising a cleaning basket assembly 2, an air management mechanism 1, a fluid regeneration device 7, and a working fluid device 6. According to Paragraph [0049], heater 55 functions as a condenser, while cooling coil 65 functions as an evaporator, see Figure 6. The invention of Hallman further comprises a cycle interruption recovery process 800 (recapture a desired portion of the cleaning fluid) and as seen in Figure 16, solvent is recaptured; tank 45 (cleaning solvent tank) is coupled to the cleaning basket assembly 2; and the solvent fluid comprises of cyclic siloxane, see Paragraph [0025]. As seen in Figure 6 there exists an air conduit extending from a so-called air outlet and air inlet.

The invention of Hallman further discloses a fan 50 (blowing device); a condensate drain tray 73 to the working tank 45 (Paragraph [0029]; condensate drain); pressure reducing tubing 90 (pressure reducing mechanism); an auxiliary heater 158 (supplemental heating device); airflow control 53 (airflow control); and a drain conduit line 70 and drain valve 155 are coupled to a wastewater discharge pipe (fluid drain configured to drain waste). As seen in Figure 2, the laundry machine of Hallman is side-loadable. In re claim 72, see Paragraph [0025] for all the wash fluid permutations taught by Hallman.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 15, and 75-79 are rejected under 35 U.S.C. 103(a) as being obvious over Hallman as taught above.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject

matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

In re claims 12 and 13, as seen in Figure 2 the machine of Hallman has a typical rotating basket coupled to a motor 3. Hallman fails to illustrate the use of a shaft for agitating laundry therein, however it is well known in the art to use a shaft and/or agitation ribs to aid in cleaning in a laundry machine. It is at once envisaged by one of ordinary skill in the art at the time of the invention that Hallman would utilize agitation means, such as a shaft for example, to achieve increased cleaning by using said commonly known agitation means in its washing machine.

In re claim 15, Hallman teaches the claimed invention except fails to illustrate the washing machine as top-loadable, however, one of ordinary skill in the art at the time of the invention would have at once envisaged a top-loadable machine an obvious alternative to a side-loadable machine for various purposes, including aesthetics, ease of use based on user, depending on the space the machine is being placed in, design choice, etc.

In re claims 75-78, Hallman teaches the claimed invention except fails to indicate optimal temperatures that the condenser and evaporator should operate in accord with. It would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the heated-air and cooled-air for the condenser and evaporator, respectively, to achieve optimal drying and greatest efficiency without expending excessive energy and thereby being environmentally conscious, as well as cost-effective. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

In re claim 79, Hallman teaches the claimed invention except fails to indicate the target airflow rate in cubic feet per minute through the laundry enclosure. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the flowrate to achieve the most efficient drying based on the size of the machine and laundry load, among other factors. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 9-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



MICHAEL BARR
SUPERVISORY PATENT EXAMINER